

ORDER SHEET  
IN THE HIGH COURT OF SINDH AT KARACHI  
**Cr. Bail Application No.1027 of 2023**

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<b>Date</b>	<b>Order with signature of Judge</b>
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1. For orders on office objection at A
2. For orders on MA No.5504/2023
3. For hearing of bail application

Date of hearing: 25.05.2023

Mr. Mallag Assa Dashti, advocate for applicant  
Mr. Muhammad Farooq, Special Prosecutor ANF

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**Amjad Ali Bohio, J:-** The earlier bail application, filed by the applicant/accused Furqan Saeed Siddiqui, in relation to Crime No.5/2023 of PS Gulshan-e-Iqbal Karachi, seeking bail after arrest for the offence under Section 6/9(2)5,14,15 of the Amended CNSA 2022, before the Special Court CNS-1, Karachi, was dismissed vide order dated 05.05.2023. Therefore, the present bail application has been submitted.

2. According to the First Information Report (FIR) lodged on 08.02.2023 at 0430 hours, the applicant Furqan Saeed Siddiqui was apprehended by ANF officials headed by SI Imran Ali of P.S ANF Gulshan-e-Iqbal Karachi. The arrest took place after the applicant was found in possession of 400 grams of Ice (methamphetamine) near Askari Bank, Block-10, Federal B. Area, Karachi. As a result, he was charged and booked in the aforementioned crime.

3. After hearing the learned counsel for the applicant, as well as the Special Prosecutor ANF, and examining the available material on record with their assistance, it is evident that the alleged 400 grams of Ice (methamphetamine) was received by the applicant from his co-accused, Mishal landsa. However, it is noted that a similar quantity of Ice (methamphetamine) still remained in the possession of co-accused Mishal landsay. The quantity of the alleged recovered substance does not exceed 500 grams, which carries a maximum punishment of five (05) years under Section 6/9(2)4 of the Amended CNSA-2022. Accordingly, the offence did not fall within prohibitory clause of Section 497(1) Cr.P.C. It is important to mention that the challan has been submitted for the offence under Section 6/9(2)5 of the Amended CNSA-2022, indicating the need for further inquiry.

4. The raiding party had prior information, and both Mashirs of the recovery are ANF officials. It is contended that although the charge was framed on 22.03.2023, no witness have been examined thus far, and this fact has not been denied by the Special Prosecutor ANF. Consequently, it is unlikely that the trial will be concluded in the near future. Therefore, based on the facts presented in the case of "Seed Ahmed v. State through P.G Punjab and

another” (PLJ 2018 SC 812), the applicant has successfully established a case for the grant of bail.

5. It is alleged that the applicant had a connection with an international drug trafficker, but no such evidence was collected by the Investigating Officer (I.O) during the investigation. The learned Special Prosecutor ANF emphasized that prior to this incident the applicant was not involved in any case under the Narcotics Act. Under these circumstances, the credibility of the alleged recovery of the contraband article and the positive analysis report is yet to be established. Therefore, considering that the applicant does not have a prior criminal record and that no progress has been made after framing of charge since March 2023, with the prosecution not having examined a single witness, it is argued that the applicant deserves the concession of bail.

6. Consequently, instant bail application is granted. Applicant Furqan Saeed Siddiqui, son of Abdul Seed Siddiqui, shall be released on bail upon furnishing a solvent surety in the sum of Rs.100,000/- (One Hundred Thousand Rupees) and a Personal Recognizance (PR) Bond in a similar amount, to the satisfaction of the trial court.

7. It is important to note that the aforementioned observations are provisional in nature and shall not influence the trial Court’s decision regarding the merits of the applicant’s case. However, if the applicant misuses the granted bail in any manner, the trial court retains the authority to cancel the bail and initiate appropriate legal proceedings in accordance with the law.

JUDGE